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COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 193rd MEETING

Held at Headquarters, New York,
on Monday, 7 December 1992, at 10.30 a.m.

Chairman: Mr. CISSE (Senegal)

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The meeting was called to order at 11.10 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

CONSIDERATION OF DRAFT RESOLUTIONS ON THE QUESTION OF PALESTINE

2. Mr. AL-KIDWA (Observer for Palestine) said that, as the Committee was preparing to consider the draft resolutions on the question of Palestine, he was pleased to express his delegation's views as to how the General Assembly should deal with those resolutions in the light of the current circumstances, including the ongoing peace process and the actual situation in the occupied Palestinian territory.

3. His delegation firmly believed that the position of the United Nations on the question of Palestine should be based on three principles. The first was that the United Nations had a permanent reponsibility towards the question of Palestine until it could be resolved in all its aspects. The General Assembly had partitioned Palestine into two States, one of which, the Arab State, had not yet materialized. It had also granted membership in the Organization to Israel on the basis of Israel's commitment to implement resolution 194 (III) in which, the General Assembly had, inter alia, resolved that the Palestinian refugees had a right either to return to their homes, or to receive compensation if they did not wish to do so. In addition, there were a number of resolutions adopted by all organs and subsidiary bodies of the United Nations outlining the inalienable rights of the Palestinian people and the principles for the just resolution of the question of Palestine. All of those resolutions had placed a legal responsibility on the United Nations, as well as a political and moral responsibility, which had not been diminished by the progress made in the peace process outside the United Nations.

4. The second principle was that the United Nations resolutions concerning the question of Palestine, especially Security Council resolutions, which were of a binding nature, retained their validity. Israel's refusal to implement United Nations resolutions and its attempts to create a fait accompli did not mean that the resolutions ceased to be valid. For example, according to United Nations resolutions Israeli settlements were illegal and they could not - either with the passage of time or because of a slower rate of construction - become semi-illegal. The same was true of Jerusalem, the applicability of the fourth Geneva Convention to all of the occupied territory, and an entire set of resolutions which were in line with the United Nations Charter and instruments of international law. The current peace process and the fact that partial steps were being taken by Israel to implement the aforementioned resolutions did not lessen their validity or change the binding nature of some of them.

(Mr. Al-Kidwa, Observer, Palestine)

5. The third principle was that any positive changes in the position of the international community towards Israel should be commensurate with real progress in the peace process. That, in turn, required serious changes in Israeli positions, which must be altered to conform to the United Nations Charter and resolutions and to international law. Changes in the position of the international community should also correspond to the actual situation in the occupied Palestinian territory, including Jerusalem, and to the actual policies and practices of the occupying Power, Israel. While the United Nations should encourage the peace process, it must do so on that basis. Unrealistic or unjustifiable change in the position of the United Nations would in fact harm the peace process. The United Nations had to send an appropriate message to all parties concerned and to their peoples: the Palestinians, the Arabs and the Israelis.

6. While he noted with regret that the United Nations had been excluded from playing any effective role in the current peace process, he welcomed the fact that the United Nations was now participating fully in three of the multilateral working groups established within the framework of that process, and called for an extended and continued role for the United Nations so that it could carry out its duties and responsibilities, which included the protection of, and the provision of assistance to, the Palestinian people in the occupied territory.

7. In order to demonstrate flexibility and seriousness, Palestine had suggested some important changes in the main political resolution on the question of Palestine, which had been submitted as draft resolution D, and in other resolutions. He also informed the Committee that the Arab Group had decided not to insist on a vote on draft resolution A under the item concerning the situation in the Middle East at the current session.

8. He expressed the hope that, as in the past, the draft resolutions would receive the support of the Committee.

Draft resolutions A, B and C*

9. The CHAIRMAN drew attention to draft resolutions A, B and C, on the question of Palestine, which dealt with the programme of work of the Committee, the Division for Palestinian Rights and the Department of Public Information, respectively. Although the content of the resolutions was essentially the same as that of the resolutions adopted at the forty-sixth session (resolution 46/74, A, B and C), the text had been updated. In draft resolution A, a third preambular paragraph had been added, which read:

> "Affirming that the United Nations has a permanent responsibility with respect to the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy".

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* Subsequently circulated as documents A/47/L.35, L.36 and L.37.

(The Chairman)

In paragragh 4, the words "programme of seminars and symposia and meetings for non-governmental organizations" in the previous year's resolution had been replaced by the words "programme of work" in order to allow for greater flexibility in the utilization of resources, and, after the phrase "as it may consider", the words "appropriate and" had been added.

10. In draft resolution B, paragraph 2, the phrase "including a computer-based information system" in the previous year's resolution had been replaced by the phrase "to strengthen its programme of research, studies and publications through the establishment of an adequately staffed and equipped computer-based information system on the question of Palestine". At the end of paragraph 5, the words "and requests them to continue to give the widest possible publicity to the observance" had been added. The Secretariat had informed the Bureau that the aforementioned changes did not entail any additional financial implications.

11. Draft resolution C was identical to the previous year's resolution.

12. Mr. KHANDOGY (Ukraine) proposed that paragraph 2 (b) of draft resolution C should be amended to read:

> "To continue to issue and update publications on the various aspects of the question of Palestine, including the human rights situation in the occupied territories as reported by the relevant United Nations organs".

13. Mr. AL-KIDWA (Observer for Palestine) said that informal negotiations on that matter were being held with a number of countries, including the States members of the European Community. He therefore, suggested that if the draft resolution as a whole was acceptable, consideration of any proposed amendments should be deferred pending the outcome of those negotiations. The Bureau could then consider the Ukrainian proposal, together with any other proposals.

14. Mr. KHANDOGY (Ukraine) said he welcomed the fact that negotiations were being held and that he had no objection to his proposal being considered with other proposals.

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to proceed along the lines suggested by the Observer for Palestine and that, on that understanding, it wished to approve draft resolutions A, B and C.

16. It was so decided.

Draft resolution D*

17. Mr. AL-KIDWA (Observer for Palestine), introducing draft resolution D, said that there were a number of changes in the text compared with the

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* Subsequently circulated as document A/47/L.38.

(Mr. Al-Kidwa, Observer, Palestine)

resolution on the International Peace Conference on the Middle East adopted at the forty-sixth session (resolution 46/75). Two preambular paragraphs had been deleted, including one which dealt with the intifadah, and several paragraphs relating to the peace process had been added, including the sixth preambular paragraph, which noted that the United Nations had participated in the multilateral working groups, and paragraph 3, which expressed the need for the United Nations to play a more active and expanded role in the current peace process. In paragraph 4, the words "at a certain stage" had been added in the first line, after the words "the convening", and in paragraph 6, the phrase "to provide international protection for the Palestinian people there" had been added in the fourth line, between the words "alternatively" and "as part of the peace process".

18. Mr. BABAR (Pakistan) proposed that the fifth preambular paragraph of draft resolution D should be amended to read:

> "Noting the convening at Madrid, on 30 October 1991, of the Peace Conference on the Middle East and the subsequent ongoing negotiations".

The remainder of the paragraph could then be deleted, as the term "subsequent ongoing negotiations" covered all the negotiations that were taking place, whether multilateral or bilateral.

19. Mr. KOUYATE (Guinea) said that, if his understanding of the Pakistani proposal was correct, the fifth preambular paragraph would end, in the French version, with the words "et des négociations qui ont suivi", omitting the word "bilatérales".

20. Mr. RAOELINA (Madagascar) said that the phrase "des négociations en cours" would be a better translation of "ongoing negotiations" than "des négociations qui ont suivi".

21. Mr. BABAR (Pakistan) said that he had proposed the wording "subsequent ongoing negotiations" because the negotiations had been initiated following the convening of the Conference at Madrid.

22. Mr. CHATURVEDI (India) asked whether he was correct in assuming that the Pakistani representative wished to substitute the word "ongoing" for the word "bilateral".

23. Mr. HALLAK (Observer for the Syrian Arab Republic) said he understood that the purpose of the Pakistani proposal was to omit any reference to "bilateral" or "multilateral negotiations".

24. Mr. DIOP (Senegal) said that, as the Pakistani proposal might raise problems with regard to interpretation, it would be better to retain the text as originally drafted.

25. Mr. ZIAUDDIN (Observer for Bangladesh) said that, if the reference to multilateral working groups in the fifth preambular paragraph was deleted, then the sixth preambular paragraph, which also referred to multilateral working groups, would not follow logically from the preceding one.

26. Mr. AL-KIDWA (Observer for Palestine) said that, while his delegation had no particular opinion with regard to the proposed amendment to the fifth preambular paragraph, it did feel strongly that the sixth preambular paragraph should be retained as originally drafted.

27. Mr. HALLAK (Observer for the Syrian Arab Republic) said that, as the sixth preambular paragraph already referred to multilateral working groups, the fifth preambular paragraph should be reformulated along the lines suggested by the Pakistani representative.

28. Mr. RAOELINA (Madagascar), supported by Mr. DIARRA (Mali) and Mr. KOUYATE (Guinea), said that the text should be retained in its original form.

29. The CHAIRMAN said that there appeared to be a consensus in the Committee that the fifth preambular paragraph of draft resolution D should be retained in its original form.

30. Mr. BABAR (Pakistan) and Mr. HALLAK (Observer for the Syrian Arab Republic) said that they were prepared to accept the prevailing view in the Committee.

31. Mr. CRICHLOW (Guyana) said that his delegation considered the phrase "at a certain stage" in the first line of paragraph 4 of draft resolution D to be too vague. He suggested that it should be replaced by the words "at an appropriate time".

32. Mr. AL-KIDWA (Observer for Palestine) said that the intent of the original text had been to define more clearly the relation between the peace process and the convening of an International Peace Conference. While his delegation could accept the change suggested by Guyana, it would prefer the original text of the draft resolution.

33. Mr. CRICHLOW (Guyana) said that he was satisfied by the explanation of the Observer for Palestine.

34. Mr. ZIAUDDIN (Bangladesh) requested clarification as to whether the use of the word "alternatively" in paragraph 6 of the draft resolution would not encompass two proposals.

35. Mr. AL-KIDWA (Observer for Palestine) said that, as it stood, the text of paragraph 6 did suggest two alternatives and that it had been suggested in previous years that the two phrases should be separated. However, for a variety of reasons it had been impossible to separate the alternatives into different paragraphs.

36. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to approve draft resolution D.

37. It was so decided.

38. Mr. KHANDOGY (Ukraine) said that his Government was still considering the draft resolution and that Ukraine's agreement to the approval of the draft resolution was not necessarily an indication of its vote when the draft resolution was considered in the General Assembly.

Draft resolution E*

39. The CHAIRMAN, drawing attention to draft resolution E on the uprising (intifadah) of the Palestinian people, said that the only change in the text compared with the resolution adopted at the forty-sixth session (resolution 46/76) was the deletion of paragraph 4.

40. If he heard no objection, he would take it that the Committee wished to approve draft resolution E.

41. It was so decided.

The meeting rose at 12.45 p.m.

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* Subsequently circulated as document A/47/L.39.